

**REMARKS/ARGUMENTS**

Claims 1, 3 - 6, 8 - 11, and 13 - 16 are pending. Claims 13 - 16 have been appended.

Objections to the specification were raised.

Objections to claims 3, 6, 9, and 11 were raised for lack of punctuation and general arrangement of the claim elements. Suggestions for corrective action were presented, and are appreciated. Additional amendments have been made.

Claims 1 - 7 and 12 were rejected under 35 U.S.C. 112, Second Paragraph. In view of the foregoing amendments made, the Section 112 rejections are believed to be overcome.

Claims 1, 3, 4, 6, 8, and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Kawakami, U.S. Patent No. 5,574,708.

Claim 8 was rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al., U.S. Patent No. 5,715,221.

Claims 5, 10, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami in view of Ito.

Claims 2 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami in view of Ko, U.S. Patent No. 6,377,524. Claims 2 and 7 have been canceled without prejudice or disclaimer. This rejection is now moot.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami and Ito and further in view of Ko. Claim 12 has been canceled without prejudice or disclaimer. This rejection is now moot.

The present invention is directed to an information recording medium. As recited in claim 1, for example, recites an information recording medium having "information recorded on said information recording medium indicative of an allowable number of times of recording of information." See also independent claims 3 and 13 - 16.

Kawakami was cited for allegedly showing this aspect of the invention. In particular, the EEPROM (41) shown in Fig. 1 was cited for containing information indicative of an allowable number of times of recording of information. However, the pending claims recited

the “allowable number” information being “recorded on said information recording medium,” whereas Kawakami clearly describes “a number of life times” information being stored in the EEPROM (41) which is separate from an optical disk (1). *Col. 5, lines 52 - 55*. Kawakami therefore does not show “allowable number” information being “recorded on said information recording medium.” The Section 102 rejection is earnestly believed to be overcome.

A further aspect of the present invention is to selectively perform recording operations “depending on the number of times [defect related] information is recorded to said medium management information area.” *Independent claim 8*.

Kawakami does not show that writing operations are dependent on the number of times the medium management information area is recorded. Instead, Fig. 5 of Kawakami clearly shows in step S10 that write operations are dependent on the “number of writing times” of the target block of the write operation. A comparison is made of “the number of writing times, which are stored in EEPROM 41 to correspond to the designated block number address provided to the write command, with the number of life times, which are stored in EEPROM 41 (step S10). If the number of writing times is not more than the number of times of histories, a normal write-back processing is executed (step S11).” *Col. 7, lines 4 - 9*. For at least this reason, the Section 102 rejection of claim 8 based on Kawakami is believed to be overcome.

Ito et al. likewise does not show the aspect of the present invention recited in claim 8. Fig. 14 of Ito et al. shows in step 1404 a comparison to determine “whether the number of entries exceeds the registered number (step S1404). If, as a determination result, the number of entries exceeds the registered number, the process is terminated with an error (step S1406), otherwise the process is completed as normal (step S1405).” *Col. 10, lines 34 - 39*. The “number of entries” refers to the number of entries in a secondary defect list (SDL), such as shown in Fig. 12A of Ito et al. See generally col. 8, line 57 - col. 9, line 4, and in particular col. 10, lines 33 - 34. Ito et al. do not disclose selectively performing a recording operation “depending on the number of times [defect related] information is recorded to said medium management information area.” The Section 102 rejection based on Ito et al. is believed to be overcome.

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**CONCLUSION**

In view of the foregoing, all claims now pending in this Application are believed to be in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
George B. F. Yee  
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
GBFY:cmm  
60224768 v1